IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
HON'BLE DR. JUSTICE G.YETHIRAJULU

Taken up WRIT PETITION No.6695 of 2002

Between:

Paper Clipping of Deccan Chronicle
English Daily News Paper dt.7-4-2002
containing the news under the caption
”Doctor's Refuse to Aid Patient,
City Hospital Slam Doors on HIV+ man”

..... PETITIONER

AND

1 The Director, Hyderabad Nursing Home Private Limited
5-9-29/4, Basheerbagh, Hyderabad.
2 The Executive Director, Nizam's Institue of Medical Sciences

(NIMS), Punjagutta Hyderabad
3 The Director A.P.Vaidya Vidhana Parishad
King Koti, Hyderabad
4 The Secretary to Government of Andhra Pradesh Medical,

Health & Family Welfare Department, Secretariat Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction, or a writ, more particularly one in the nature of Writ of Mandamus calling for records and remarks from the Respondents herein in and connected to: i) Refusing to perform surgery by the Doctors of Hyderabad Nursing Home Pvt. Ltd, Hyderabad, on an HIV Positive Patient who met with an accident and sustained multiple fractures, ii) Refusing to get the said HIV Positive patient admitted by the authorities of Nizam Institute of Medical Sciences (NIMS) Hyderabad even though the patient is indeed a referred case; iii) to take stringent action against the Doctors and hospitals refusing to treat HIV positive cases; iv) and to pass appropriate orders directing the concerned authorities to take steps to treat HIV Positive patients by all Hospitals, Private as well as Government Hospitals; and to pass such other order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner :PETITION

Counsel for the Respondent No1: Sri Bhaskara Rao Bandrupalli

Counsel for the Respondent No.2: Sri V.V.Prabhakara Rao

Counsel for the Respondent No.3: Sri K.L.N.Swami

Counsel for the Respondent No.4:Govt. Pleader for Medical Health & Family

Welfare

The Court made the following :

ORAL ORDER: (Per Hon'ble Sri Bilal Nazki, the Acting Chief Justice)

This petition was taken up on the report appearing in the press that a person with HIV+ had met with an accident and sustained multiple fractures, was taken to Hyderabad Nursing Home, where it was revealed that he was HIV+ and Dr. B.N.Prasad refused to perform surgery on him and discharged him and sent him to Dr. V.B.N.Prasad of Nizam Institute of Medical Sciences, who also refused to admit the patient.

In the counter-affidavit, the fourth respondent – Principal Secretary to Government,

Health, Medical and Family Welfare Department, stated that after notice was issued from this Court, the Government had taken certain policy decision and those decisions are that the Government in G.O.Ms.No.24 H.M. & F.W. (L2) Department dated 24-01-2005 decided that 50% of the beds in the temporary hospitalisation wards with beds, staff and necessary budget, which are located in all teaching and district hospitals shall be utilised for the admission and treatment of HIV/AIDS infected patients, opportunistic infections/

Anti-Retroviral Therapy. Further, the Project Director, A.P.State AIDS Control Society, Hyderabad, has reported to the Government that in all Government Health Institution, medicines for treatment of HIV/AIDS associated opportunistic infections and for treatment of RTI/STI/STD infections are being issued for

2-3 days which is reducing the treatment adherence in the patients due to frequent attendance at the hospitals in sharp intervals, which is one of the factors for drug resistance development in the patients. To overcome the above difficulty and to promote use of full course treatment among patients, the Government in G.O.Ms.No.25 HM & FW (L2) Department dated 24-01-2005 further decided that the medicines for treatment of HIV/AIDS associated opportunistic infections and for treatment of RTI/STI/STD infections shall be issued to the patients either for full course if the duration of treatment is less than 15 days or once in 15 days if the duration of treatment is more than 15 days, as the case may be. Further, the Commissioner, A.P. Vaidya Vidhana Parishad, Hyderabad/Director of Medical Education, Hyderabad/Director of Health, Hyderabad, have been requested to issue necessary instructions to all the Government Hospitals/PHCs/clinics under their control accordingly.

It is further stated by the fourth respondent that the Director of Health and Director of Nizam Institute of Medical Sciences have been asked to make an enquiry into the matter in which the patient was refused treatment by the Doctors.

In view of the decisions taken by the Government which are referred hereinabove, no further orders are necessary to be passed in this writ petition. The writ petition for the present is closed. The Government is directed to produce the report of enquiry ordered, within six months.

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BILAL NAZKI, ACJ.

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Dr. G.YETHIRAJULU, J.

19-04-2005

bsc

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Director, Hyderabad Nursing Home Private Limited
5-9-29/4, Basheerbagh, Hyderabad.
2 The Executive Director, Nizam's Institue of Medical Sciences

(NIMS), Punjagutta Hyderabad
3 The Director A.P.Vaidya Vidhana Parishad
King Koti, Hyderabad
4 The Secretary to Government of Andhra Pradesh Medical,

Health & Family Welfare Department, Secretariat Hyderabad.

5. 2 CCs to Govt. Pleader for Medical, Health and Family Welfare,

High Court buildings, Hyderabad (OUT)

6. CD copies

7. The Special officer, Public Interest Litigation Cell, High Court

buildings, Hyderabad.

8. The Secretary, A.P. State Legal Aid and Advisory Board, High Court

buildings, Hyderabad.

9. The Secretary to Govt. of A.P., Home Department, Secretariat,

Hyderabad.

*Form-NIC-OGS/WP{**PRASAD**}*